

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CENTURY 21 REAL ESTATE CORPORATION)
)
Plaintiff,)
)
v.)
)
DENNEHY, BARNES, VENTURES, INC.,)
JOHN S. DENNEHY and THOMAS BARNES,)
)
Defendants.)
)

CIVIL ACTION NO. 04-10785DPW

**CENTURY 21 REAL ESTATE CORPORATION'S FIRST SET OF
INTERROGATORIES TO DENNEHY, BARNES VENTURES, INC.**

Plaintiff Century 21 Real Estate Corporation (“Century 21”) hereby requests, pursuant to Fed. R. Civ. P. 33, that defendant, Dennehy, Barnes, Ventures, Inc. (“DBV”), answer the following interrogatories fully, under oath, and in accordance with the following definitions and instructions, within thirty (30) days of service hereof, by serving your original answers on Gregg A. Rubenstein, Esq., Nixon Peabody LLP, 100 Summer Street, Boston, Massachusetts 02110.

DEFINITIONS AND INSTRUCTIONS

1. All interrogatories in this First Set of Interrogatories (“First Set of Interrogatories”) incorporate by reference the definitions of various terms set forth in Local Rule 26.5(c) of the United States District Court for the District of Massachusetts. Whenever a defined term is used in these requests, it is typed in bold so that counsel may consult the definition and LR 26.5(c). Since LR 26.5(c)(5) defines the meaning of “a party’s full or abbreviated name or a pronoun referring to a party” such references are among the bolded terms.

2. The term “Century 21” refers to Century 21 Real Estate Corporation and its respective predecessor and successor entities, and their respective parent, sibling or otherwise

related corporate entities and includes, without implication of limitation, any of their agents, servants, attorneys or employees.

3. The term "DBV" refers to Dennehy, Barnes, Ventures, Inc. and its respective predecessor and successor entities, and their respective parent, sibling or otherwise related corporate entities and includes, without implication of limitation, any of their agents, servants, attorneys or employees.

4. The term "immediate family member" means your spouse, parents, step-parents, parents-in law, children, step children, grandchildren, step-grandchildren, siblings, step-siblings and siblings-in law.

5. If a claim of privilege is asserted in objection to any interrogatory or any sub-part thereof, please identify in the objection the nature of the privilege that is being claimed and **state the basis** (as defined in LR 26.5(C)(8)) for the objection.

6. If any of these interrogatories cannot be answered in full, then they should be answered to the extent possible, specifying each reason for your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion. In answering the interrogatories, furnish such information as is available to **you**, regardless of whether or not it is based on personal knowledge or records of **your** agents or representatives, or from others or others' records, regardless of source.

7. These interrogatories are continuing. In the event that **DBV** become aware, after answering these interrogatories, of any information which will augment or modify **its** initial answers, supplemental answers shall immediately be furnished to **plaintiff's** attorneys, as required by Fed. R. Civ. P. 26(e).

INTERROGATORIES

1. Identify all persons, whom you know or believe witnessed or participated in any aspect of the occurrence(s) giving rise to Century 21's claims, or whom you know or believe to have information relevant to Century 21's claims or your defenses, including, without limitation:

- (a) all persons responsible for the maintenance of signage at the 477 Harvard Street location since December 17, 2002;
- (b) all persons responsible for listing real estate on behalf of DBV with the MLS service since December 17, 2002; and
- (c) all officers and directors of DBV since December 17, 2002.

2. As to each person identified in response to Interrogatory 1, provide a statement of the subject concerning which that person has knowledge or may have knowledge and state the basis for that person's knowledge.

3. With respect to each person identified in Interrogatory No. 1, describe all communications between that person and you or any other person concerning the knowledge described in Interrogatory 2, including, but not limited to, documents.

4. Identify all DBV stockholders and/or DBV equity owners since 2001.

5. Identify all employees or independent contractors of DBV or any other entity owned in whole or part by Thomas Barnes or his immediate family members involved in the sale of real estate since December 17, 2002.

6. Identify all real estate bought or sold since December 17, 2002 in which DBV or any other entity owned in whole or part by Thomas Barnes or his immediate family members played a role in its purchase and/or sale, including date of transaction, type of transaction sale price and commission or other revenue derived from the purchase and/or sale.

7. Identify all current assets and obligations of DBV.

8. Identify each expert witness you intend to call at any hearing in this matter, and for each expert identified, set forth:

- (a) the expert's professional qualifications;
- (b) the subject matter on which the expert is expected to testify;
- (c) the substance of the facts and opinions to which each said expert is expected to testify; and
- (d) a summary of the grounds for each said expert's opinion(s).

9. If you contend that any of the requests set forth in the First Request for Production of Documents to the Complainant ("First Request for Documents"), which has been served contemporaneously with this First Set of Interrogatories, calls for production of documents which you assert are protected from discovery by the attorney-client privilege, by the work-product doctrine, or by any other claim of privilege, please identify each document which you contend is so protected by stating the type of document (e.g., handwritten notes, letter, etc.), set forth the privilege you are asserting for each document, its author, its date, its general subject matter and state the basis for the objection.

10. If a document responsive to any of the requests set forth in the First Request for Documents was at one time in your custody, possession or control, but is not available to be produced in response to that request, please identify each such document and state the reason for its unavailability and its last known location.

CENTURY 21 REAL ESTATE
CORPORATION

By its attorneys,



Gregg A. Rubenstein (BBO #639680)
Arthur L. Pressman (BBO #643094)
NIXON PEABODY LLP
100 Summer Street
Boston, Massachusetts 02110
(617) 345-1000

Dated: December 7, 2004

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CENTURY 21 REAL ESTATE CORPORATION)	
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Plaintiff,)	
)	CIVIL ACTION NO. 04-10785DPW
v.)	
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DENNEHY, BARNES, VENTURES, INC.,)	
JOHN S. DENNEHY and THOMAS BARNES,)	
)	
Defendants.)	
)	

**CENTURY 21 REAL ESTATE CORPORATION'S FIRST DOCUMENT
REQUESTS TO DENNEHY, BARNES VENTURES, INC.**

Plaintiff Century 21 Real Estate Corporation (“Century 21”) hereby requests, pursuant to Fed. R. Civ. P. 34, that defendant Dennehy, Barnes, Ventures, Inc. (“DBV”), within thirty (30) days of service hereof, produce the documents described below in accordance with the following definitions and instructions.

DEFINITIONS AND INSTRUCTIONS

1. All document requests in this First Request for Production of Documents (“First Request for Documents”) incorporate by reference the definitions of various terms set forth in Local Rule 26.5(c) of the United States District Court for the District of Massachusetts (copy enclosed). Whenever a defined term is used in these requests, it is typed in bold so that counsel may consult the definition and LR 26.5(c). Since LR 26.5(c)(5) defines the meaning of “a party’s full or abbreviated name or a pronoun referring to a party” such references are among the bolded terms.

2. The term “Century 21” refers to Century 21 Real Estate Corporation and its respective predecessor and successor entities, and their respective parent, sibling or otherwise

related corporate entities and includes, without implication of limitation, any of their agents, servants, attorneys or employees.

3. The term "DBV" refers to Dennehy, Barnes, Ventures, Inc. and its respective predecessor and successor entities, and their respective parent, sibling or otherwise related corporate entities and includes, without implication of limitation, any of their agents, servants, attorneys or employees.

4. The term "immediate family member" means your spouse, parents, step-parents, parents-in law, children, step children, grandchildren, step-grandchildren, siblings, step-siblings and siblings-in law.

5. All documents as to which **DBV** claims privilege or statutory authority as a ground for non-production shall be identified as follows: (a) date, (b) title, (c) type of document (e.g., memorandum, report, chart, etc.), (d) subject matter (without revealing the information as to which privilege or statutory authority is claimed), and (e) factual and legal basis for claim privileges or specific statutory authority which provides the claimed ground for non production.

6. These requests seek all documents within **DBV's** possession, custody or control. If documents are not in **DBV's** possession but are available to it (e.g., records maintained by defendants' attorneys, other agents or former employers/contractors/ end clients), **DBV** is required to obtain such documents for production.

7. If a document responsive to any of the requests set forth in the First Request for Documents was at one time in **your** custody, possession or control, but is not available to be produced in response to that request, please **identify** each such document and state the reason for its unavailability and its last known location.

8. If you maintain that any responsive **document** has been destroyed, identify the document and state the date of destruction, the reasons, and by whom the document was destroyed.

9. All responses should be served upon Gregg A. Rubenstein, Esq., Nixon Peabody LLP, 100 Summer Street, Boston, Massachusetts 02110.

DOCUMENT REQUESTS

1. All **documents identified** in **DBV's** responses to the Century 21's First Set of Interrogatories to **DBV**, which was served contemporaneously with the First Request for Documents.

2. All financial **documents** and records from 2001 through present, including, but not limited to, annual reports, cash flow statements, balance sheets, accounts receivable reports and accounts payable reports.

3. All tax returns, including schedules, filed or prepared on behalf of **DBV** for 2001, 2002 and 2003, including, but not limited to, Schedule K-1s issued to **DBV's** owners.

4. All **documents and communications concerning** tax returns, including schedules, filed or prepared on behalf of **DBV** for 2001, 2002 and 2003.

5. All corporate records created since 2001, including but not limited to, filings made with the Secretary of the Commonwealth, corporate resolutions and board of directors minutes.

6. All **documents and communications concerning** corporate records created since 2001, including but not limited to, filings made with the Secretary of the Commonwealth, corporate resolutions and board of directors minutes.

7. All **documents and communications concerning** the purchase, sale or rental of real estate in which **DBV** was involved.

8. All documents and communications concerning the placement of advertising or listings in the MLS system from December 17, 2002 through present, including but not limited to, the listings.

9. All documents concerning the sale or transfer of **DBV** assets since 2001.

10. The lease, including any and all amendments thereto, for 477 Harvard Street Brookline, MA.

11. All documents and communications concerning the lease for 477 Harvard Street Brookline, MA.

12. All documents concerning assets owned in whole or in part by **DBV** since 2001.

13. All documents concerning current debts and obligations owed by **DBV**.

CENTURY 21 REAL ESTATE
CORPORATION

By its attorneys,

I hereby certify that a true copy of the
above document was served upon the
attorney of record for each other party
by mail or hand on 12/7/04.
Gregg A. Rubenstein



Gregg A. Rubenstein (BBO #639680)
Arthur L. Pressman (BBO #643094)
NIXON PEABODY LLP
100 Summer Street
Boston, Massachusetts 02110
(617) 345-1000

Dated: December 7, 2004

UNITED STATES DISTRICT COURT
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CENTURY 21 REAL ESTATE CORPORATION)	
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JOHN S. DENNEHY and THOMAS BARNES,))	
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Defendants.))	
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**CENTURY 21 REAL ESTATE CORPORATION'S FIRST SET OF
INTERROGATORIES TO THOMAS BARNES**

Plaintiff Century 21 Real Estate Corporation (“Century 21”) hereby requests, pursuant to Fed. R. Civ. P. 33, that defendant, Dennehy, Barnes, Ventures, Inc. (“DBV”), answer the following interrogatories fully, under oath, and in accordance with the following definitions and instructions, within thirty (30) days of service hereof, by serving your original answers on Gregg A. Rubenstein, Esq., Nixon Peabody LLP, 100 Summer Street, Boston, Massachusetts 02110.

DEFINITIONS AND INSTRUCTIONS

1. All interrogatories in this First Set of Interrogatories (“First Set of Interrogatories”) incorporate by reference the definitions of various terms set forth in Local Rule 26.5(c) of the United States District Court for the District of Massachusetts. Whenever a defined term is used in these requests, it is typed in bold so that counsel may consult the definition and LR 26.5(c). Since LR 26.5(c)(5) defines the meaning of “a party’s full or abbreviated name or a pronoun referring to a party” such references are among the bolded terms.

2. The term “Century 21” refers to Century 21 Real Estate Corporation and its respective predecessor and successor entities, and their respective parent, sibling or otherwise

related corporate entities and includes, without implication of limitation, any of their agents, servants, attorneys or employees.

3. The term "DBV" refers to Dennehy, Barnes, Ventures, Inc. and its respective predecessor and successor entities, and their respective parent, sibling or otherwise related corporate entities and includes, without implication of limitation, any of their agents, servants, attorneys or employees.

4. The term "immediate family member" means your spouse, parents, step-parents, parents-in law, children, step-children, children-in law, grandchildren, step-grandchildren, siblings, step-siblings and siblings-in law.

5. If a claim of privilege is asserted in objection to any interrogatory or any sub-part thereof, please identify in the objection the nature of the privilege that is being claimed and **state the basis** (as defined in LR 26.5(C)(8)) for the objection.

6. If any of these interrogatories cannot be answered in full, then they should be answered to the extent possible, specifying each reason for your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion. In answering the interrogatories, furnish such information as is available to **you**, regardless of whether or not it is based on personal knowledge or records of **your** agents or representatives, or from others or others' records, regardless of source.

7. These interrogatories are continuing. In the event that **DBV** become aware, after answering these interrogatories, of any information which will augment or modify **its** initial answers, supplemental answers shall immediately be furnished to **plaintiff's** attorneys, as required by Fed. R. Civ. P. 26(e).

INTERROGATORIES

1. Identify all persons whom you know or believe witnessed or participated in any aspect of the occurrence(s) giving rise to Century 21's claims, or whom you know or believe to have information relevant to Century 21's claims or your defenses.
2. As to each person identified in response to Interrogatory 1, provide a statement of the subject concerning which that person has knowledge or may have knowledge and state the basis for that person's knowledge.
3. With respect to each person identified in Interrogatory No. 1, describe all communications between that person and you or any other person concerning the knowledge described in Interrogatory 2, including, but not limited to, documents.
4. Identify all non-public entities, regardless of corporate form, in which you or any member of your immediate family has or had an ownership or other equity interest in since 1999.
5. Identify all person, persons, entity or entities who have been engaged in the purchase, sale or rental of real estate at 477 Harvard Street Brookline, MA since 1999.
6. Identify all bank accounts you or any business in which you or any member of your immediate family has or had an ownership or other equity interest in since 1999 has maintained since 1999.
7. Identify each expert witness you intend to call at any hearing in this matter, and for each expert identified, set forth:
 - (a) the expert's professional qualifications;
 - (b) the subject matter on which the expert is expected to testify;
 - (c) the substance of the facts and opinions to which each said expert is expected to testify; and
 - (d) a summary of the grounds for each said expert's opinion(s).

8. If you contend that any of the requests set forth in the First Request for Production of Documents to the Complainant ("First Request for Documents"), which has been served contemporaneously with this First Set of Interrogatories, calls for production of documents which you assert are protected from discovery by the attorney-client privilege, by the work-product doctrine, or by any other claim of privilege, please identify each document which you contend is so protected by stating the type of document (e.g., handwritten notes, letter, etc.), set forth the privilege you are asserting for each document, its author, its date, its general subject matter and state the basis for the objection.

9. If a document responsive to any of the requests set forth in the First Request for Documents was at one time in your custody, possession or control, but is not available to be produced in response to that request, please identify each such document and state the reason for its unavailability and its last known location.

CENTURY 21 REAL ESTATE
CORPORATION

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail - hand on 12/7/04

By its attorneys,



 Gregg A. Rubenstein (BBO #639680)
 Arthur L. Pressman (BBO #643094)
 NIXON PEABODY LLP
 100 Summer Street
 Boston, Massachusetts 02110
 (617) 345-1000

Dated: December 7, 2004

UNITED STATES DISTRICT COURT
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JOHN S. DENNEHY and THOMAS BARNES,)
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CIVIL ACTION NO. 04-10785DPW

**CENTURY 21 REAL ESTATE CORPORATION'S FIRST
DOCUMENT REQUESTS TO THOMAS BARNES**

Plaintiff Century 21 Real Estate Corporation ("Century 21") hereby requests, pursuant to Fed. R. Civ. P. 34, that defendant Thomas Barnes, within thirty (30) days of service hereof, produce the documents described below in accordance with the following definitions and instructions.

DEFINITIONS AND INSTRUCTIONS

1. All document requests in this First Request for Production of Documents ("First Request for Documents") incorporate by reference the definitions of various terms set forth in Local Rule 26.5(c) of the United States District Court for the District of Massachusetts (copy enclosed). Whenever a defined term is used in these requests, it is typed in bold so that counsel may consult the definition and LR 26.5(c). Since LR 26.5(c)(5) defines the meaning of "a party's full or abbreviated name or a pronoun referring to a party" such references are among the bolded terms.

2. The term "Century 21" refers to Century 21 Real Estate Corporation and its respective predecessor and successor entities, and their respective parent, sibling or otherwise

related corporate entities and includes, without implication of limitation, any of their agents, servants, attorneys or employees.

3. The term "DBV" refers to Dennehy, Barnes, Ventures, Inc. and its respective predecessor and successor entities, and their respective parent, sibling or otherwise related corporate entities and includes, without implication of limitation, any of their agents, servants, attorneys or employees.

4. The term "immediate family member" means your spouse, parents, step-parents, parents-in law, children, step children, grandchildren, step-grandchildren, siblings, step-siblings and siblings-in law.

5. All documents as to which **Mr. Barnes** claims privilege or statutory authority as a ground for non-production shall be identified as follows: (a) date, (b) title, (c) type of document (e.g., memorandum, report, chart, etc.), (d) subject matter (without revealing the information as to which privilege or statutory authority is claimed), and (e) factual and legal basis for claim privileges or specific statutory authority which provides the claimed ground for non production.

6. These requests seek all documents within **Mr. Barnes'** possession, custody or control. If documents are not in **Mr. Barnes'** possession but are available to him (e.g., records maintained by defendants' attorneys, other agents or former employers/contractors/ end clients), **Mr. Barnes** is required to obtain such documents for production.

7. If a document responsive to any of the requests set forth in the First Request for Documents was at one time in **your** custody, possession or control, but is not available to be produced in response to that request, please **identify** each such document and state the reason for its unavailability and its last known location.

8. If you maintain that any responsive document has been destroyed, identify the document and state the date of destruction, the reasons, and by whom the document was destroyed.

9. All responses should be served upon Gregg A. Rubenstein, Esq., Nixon Peabody LLP, 100 Summer Street, Boston, Massachusetts 02110.

DOCUMENT REQUESTS

1. All documents identified in Mr. Barnes' responses to the Century 21's First Set of Interrogatories to Mr. Barnes, which was served contemporaneously with the First Request for Documents.

2. All tax returns, including schedules, filed or prepared on your behalf for 2001, 2002 and 2003, including, but not limited to, Schedule K-1s that you received.

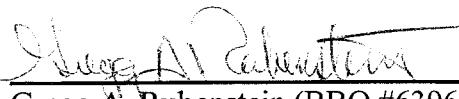
3. All documents and communications concerning tax returns, including schedules, filed or prepared on your behalf for 2001, 2002 and 2003.

4. All documents and communications concerning or evidencing your ownership, partial or whole, of any business entity conducting real estate brokerage services.

CENTURY 21 REAL ESTATE
CORPORATION

By its attorneys,

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail - hand on 12/7/04



Gregg A. Rubenstein (BBO #639680)
Arthur L. Pressman (BBO #643094)
NIXON PEABODY LLP
100 Summer Street
Boston, Massachusetts 02110
(617) 345-1000

Dated: December 7, 2004